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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

MICHAEL GRECCO
PRODUCTIONS INC.,

Plaintiff,

v.

TIKTOK, INC.,

Defendant.

Case No. 2:24-CV-04837-FLA-MAR

**DECLARATION OF J. MICHAEL
KEYES IN SUPPORT OF
DEFENDANT'S OPPOSITION TO
PLAINTIFF'S MOTION TO
EXCLUDE AND/OR STRIKE
DEFENDANT'S EXPERT WITNESS
AND REPORT**

Hon. Fernando L. Aenlle-Rocha

Date: September 26, 2025

Time: 1:30pm

Courtroom: 6B

Filed concurrently with:

- (1) Opposition to Motion to Exclude
And/Or Strike Defendant's Expert
Witness and Report; and
- (2) [Proposed] Order.

1 I, J. Michael Keyes, declare under penalty of perjury under the laws of the
2 United States and the State of Washington, as follows:

3 1. I am a Partner with the law firm Dorsey & Whitney LLP and one of the
4 attorneys of record representing Defendant TikTok, Inc. (“Defendant” or “TTI”) in
5 this matter. I submit this declaration in support of Defendant’s Opposition To
6 Plaintiff’s Motion To Exclude And/Or Strike Defendant’s Expert Witness And
7 Report. I have personal knowledge of the facts set forth herein.

8 2. Plaintiff did not serve any discovery requests or otherwise engage in any
9 discovery until April 15, 2025. Attached as **Exhibit A** is a true and correct copy of
10 “Plaintiff’s Initial Disclosures,” served by Plaintiff’s counsel in this matter on
11 April 15, 2025.

12 3. The Initial Disclosures indicate that “Plaintiff would calculate its actual
13 damages by multiplying the license it would have charged by the number of years the
14 photographs were published.” Exh. A.

15 4. Attached as **Exhibit B** is a true and correct copy of relevant portions of
16 “Plaintiff’s Amended Interrogatory Responses,” served by Plaintiff’s counsel in this
17 matter on July 14, 2025.

18 5. In the Amended Interrogatory Responses, Plaintiff stated the amount it
19 would charge “consists of the licensing fees shown by the shopping cart feature on
20 Plaintiff’s website for each of the Works.” Exh. B. The Amended Interrogatory
21 Responses contain the only method Plaintiff disclosed during discovery for
22 calculating its damages: the licensing fee “calculated by the shopping cart tool on
23 Plaintiff’s website.” *Id.*

24 6. On July 18, 2025, I conducted the deposition of Mr. Michael Grecco
25 (“Grecco”) as the designated representative of Plaintiff Michael Grecco Productions
26 Inc. (“Plaintiff” or “MGP”) pursuant to Federal Rule of Civil Procedure 30(b)(6).
27 Attached hereto as **Exhibit C** is a true and correct copy of relevant excerpts from the
28 30(b)(6) deposition of Plaintiff (the “Grecco Depo”).

CERTIFICATE OF SERVICE

I hereby certify that on September 5, 2025, a true and correct copy of the foregoing was filed electronically using the Court's CM/ECF system, which shall send notification of such filing to all counsel of record. Any counsel of record who has not consented to electronic service through the Court's CM/ECF system will be served by electronic mail.

/s/ Connor J. Hansen

Connor J. Hansen